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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,964	06/28/2005	Antonio Romanelli	71860	6055
23872	7590	10/05/2006	EXAMINER	
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/540,964	ROMANELLI ET AL.
	Examiner	Art Unit
	David E. Bochna	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application
- 6) Other: ____.

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

2. Claim 3 is objected to because of the following informalities: A period needs to be placed at the end of claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claim 1, the phrase "usually" in line 5 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
6. Claim 1, line 21, it is unclear what is meant by the phrase "in the sense of".
7. Regarding claim 2, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Szenthmihaly.

In regard to claim 1, Szenthmihaly discloses a compression fitting comprising an internal element onto which the pipe is fitted and into which at least one circumferential groove is machined and an external sleeve usually cylindrical is positioned around the portion of pipe fitted on the internal element and intended to be deformed by radial compression to deform the

pipe so as to make its wall adhere to the bottom of the groove, characterized in that the width of the groove on the internal element is greater than the thickness of the pipe and its maximum depth is equal to at least a quarter of the thickness of the pipe, and that the external wall of the sleeve bears a circumferential protruding grooving corresponding with its area that is found in line with the groove of the internal element with interposition of the wall of the pipe, the width of the grooving being less at the width of the groove of the internal element and height at least equal to the depth of the groove, so that the compression of the sleeve by action of a cylindrical wall pressing radially acts on the grooving to deform the sleeve in the sense of deforming the wall of the pipe to penetrate the groove of the internal element.

In regard to claim 2, the height of the grooving is between 1 and 1.5 the depth of the groove.

In regard to claim 3, the width of the groove is about 1.5 times the thickness of the pipe.

In regard to claim 4, a plurality of grooves axially spaced along the internal element is provided for.

In regard to claim 6, the axial holding means of the extremity of the sleeve with the internal element is provided, to identify their mutual positioning.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 10137078 in view of Szentmihaly or Szegda '614. German Patent '078 discloses a compression fitting comprising an internal element 14 onto which the pipe is fitted and into which at least one circumferential groove 24 is machined and an external sleeve 38 usually cylindrical is positioned around the portion of pipe 22 fitted on the internal element and intended to be deformed by radial compression to deform the pipe so as to make its wall adhere to the bottom of the groove, characterized in that the width of the groove 24 on the internal element is greater than the thickness of the pipe and its maximum depth is equal to at least a quarter of the thickness of the pipe 22, and that the external wall of the sleeve bears a circumferential protruding grooving 40 corresponding with its area that is found in line with the groove of the internal element with interposition of the wall of the pipe, and height at least equal to the depth of the groove, so that the compression of the sleeve by action of a cylindrical wall pressing radially acts on the grooving to deform the sleeve in the sense of deforming the wall of the pipe to penetrate the groove of the internal element. Patent '078 discloses that the grooving is used to push the hose material into the groove, but Patent '078 does not disclose that the width of the grooving is less than the width of the groove. Szegda and Szentmihaly teach providing grooving (44 or 11 respectively) that is narrower than a groove (32 and 23 respectively) in order to more easily facilitate the pushing of the hose material into the associated groove upon compression of the sleeves (40 and 12 respectively). Therefore, it would have been obvious to one of ordinary skill in the art to modify width of the grooving of '078 to be narrower than groove, as taught by either Szegda or Szentmihaly, in order to better facilitate the pressing of the hose material into the groove upon assembly.

Additionally, it would have been obvious to one of ordinary skill in the art to modify the width of the grooving of '078 to be smaller than the width of the groove because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

In regard to claim 2, the height of the grooving 40 is between 1 and 1.5 the depth of the groove.

In regard to claim 3, the width of the groove is about 1.5 times the thickness of the pipe.

In regard to claim 4, a plurality of grooves 24 axially spaced along the internal element is provided for.

In regard to claim 5, a seat is made at the bottom of the groove, in which an elastic seal ring gasket 26 is positioned.

In regard to claim 6, the axial holding means of the extremity of the sleeve with the internal element is provided 34, 36, to identify their mutual positioning.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Campbell et al., MacDuff, Szegda '106 and Patel all disclose similar couplings common in the art.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David E. Bochna
Primary Examiner
Art Unit 3679